THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7266 of 2006

Dated:18.04.2006

Between:

M.A.Jabbar and another.

..... PETITIONER

AND

The State of A.P. Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7266 of 2006

ORDER:

The two petitioners filed the instant writ petition alleging that respondent Nos.1 to 3 are threatening them and asking them to vacate the land bearing Plot No.6-49 in Survey No.99/1 situated at Pahadi Shareef, Mamidipally Village, Saroornagar Mandal, Ranga Reddy District. Therefore, they seek a declaration that the said action is contrary to the Government Orders in G.O.Ms.No.1601, dated 29.08.2005.

It is the case of the petitioners that they have occupied Plot No.6-49 in Survey No.99/1 and constructed a room and that they are paying the property tax to the Gram Panchayat-Pahadi Shareef. They also allege that they purchased the land from the General Power of Attorney Pattadar. When similarly situated persons were threatened with dispossession they filed W.P.No.9041 of 2004. This Court directed to maintain *status quo*. The petitioners allege that though they are entitled for the benefit under G.O.Ms.No.1601, dated 29.08.2005, respondent No.3 is continuously threatening them with eviction. Therefore, they filed the present writ petition.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General) obtained instructions. He submits that the petitioners are encroachers of the Government land and therefore they are not eligible for regularization of the encroachment under G.O.Ms.No. 1601, dated 29.08.2005. While denying the allegation that there is a threat of dispossession, the learned Assistant Government Pleader submits that the petitioners would be evicted only after following due process of law.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader, this writ petition is disposed of observing that unless and until due process of law is followed and the petitioners are given notice, they cannot be forcibly evicted from the land. No costs.

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(V.V.S.RAO, J)

18.04.2006

vs